

**Readopt with amendment Ac 100, eff. 1-26-2007 (Doc. # 8810), to read as follows:**

## CHAPTER Ac 100 ORGANIZATIONAL RULES

### PART Ac 101 DEFINITIONS

Ac 101.01 ~~"Accountant" means a person holding a certificate, or permit issued by the board under RSA 309-B.~~

~~Ac 101.02 "Accounting practitioner" means a person registered under RSA 309-A: 10 and whose permit is renewed under RSA 309-B:5, to practice public accountancy.~~

~~Ac 101.03 "Certified public accountant" (CPA) means a person holding a current certificate issued under RSA 309-B:5, or a person holding a certificate issued under RSA 309-B:4an equivalent accounting license issued in Australia.~~

~~Ac 101.02 "Certified public accounting firm" (CPA firm) means a business entity in which each principal holds a certificate issued under RSA 309-B:5 and is organized as:~~

- ~~(a) A sole proprietor;~~
- ~~(b) A corporation;~~
- ~~(c) A partnership, including a limited liability partnership;~~
- ~~(d) A limited liability company, including a professional limited liability company; or~~
- ~~(e) Any other kind of entity authorized or allowed by law.~~

~~Ac 101.03 "Chartered accountant" means person holding an accounting license issued in Australia, Canada, or Ireland that is at a level equivalent to a CPA in the United States.~~

Ac 101.04 ~~"Client"~~ means a person, persons or entity which retains a practicing accountant or the firm of a practicing accountant, which firm is engaged in the practice of public accountancy, for the performance of professional accounting services.

Ac 101.05 ~~"Code of professional conduct"~~ means the "Code of Professional Conduct" of the ~~Institute along with the interpretations adopted and issued by the Institute.~~

~~Ac 101.06 "Compilation" means presenting in the form of financial statements information that is the representation of management or owners without undertaking to express any assurance on the statements.~~

~~Ac 101.07 "Enterprise" means any person or persons or entity, organized for profit or not, for which a practicing accountant provides services.~~

~~Ac 101.08 "Financial statements" means statements and footnotes related thereto, prepared on a cash accrual or other comprehensive basis of accounting that:~~

~~——(a) Purport to show a financial position relating to a point in time, such as balance sheets; or~~

~~——(b) Purport to show changes in financial position which relate to a period of time such as:~~

~~——(1) Statements of income;~~

~~(2) Statements of retained earnings;~~

~~——(3) Statements of cash flows; or~~

~~——(4) Statements of changes in owner's equity.~~

~~Ac 101.09 "Firm" means a practice unit, proprietorship, partnership, professional corporation, professional limited liability partnership, limited liability company, or any other legally authorized association engaged in the practice of public accountancy, including an individual engaged in the practice of public accounting and shareholders in any legally authorized association engaged in the practice of public accounting.~~

~~Ac 101.10 "Institute" means the American Institute of Certified Public Accountants (AICPA), June 1, 2006 edition, including the interpretations.~~

~~Ac 101.11 "Practice unit owner" means a proprietor, partner, shareholder, owner, or member of a practice unit~~Ac 101.06 "Contadores Publicos Certificado" means a person holding a current accounting license issued in Mexico that is at a level equivalent to a CPA in the United States.

~~Ac 101.12 "Practicing accountant"~~07 "Financial statement" means a certified public accountant, public accountant or accounting practitioner, including those practicing on a temporary basis in New Hampshire but licensed in other states.

~~Ac 101.13 "Previously licensed accountants" means any person who on July 1, 1994 held a valid permit or certificate issued under RSA 309-B or its predecessor statutes.~~

~~Ac 101.14 "Public accountant" means a person issued a permit under RSA 309-~~

~~B:5.~~

~~Ac 101.15 "Review of financial statements" means performing inquiry document and analytical procedures related footnotes that provide the accountant with a reasonable basis purports to represent actual or prospective financial positions at a particular time, or results of operations, cash flow, or changes in financial position for expressing limited assurance that there are no material modifications that should be made to the statements in order for them to be a period of time, in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting.~~

~~Ac 101.08 "Firm" means any business entity, however configured or organized, engaged in the practice of public accountancy. The term includes individuals and shareholders in any legally authorized entity engaged in the practice of public accounting.~~

~~Ac 101.09 "License" means "license" as defined by RSA 309-B:3, VIII, namely, "a certificate issued under RSA 309-B:8 or a registration under RSA 309-B:9; or in each case, a certificate or permit issued under corresponding provisions of prior law."~~

~~Ac 101.10 "Licensee" means "licensee" as defined by RSA 309-B:3, IX, namely, "the holder of a license as defined in RSA 309-B:3, VIII" and includes each CPA and PA.~~

~~Ac 101.11 "Permit" means "permit" as defined in RSA 309-B:3, XIII, namely, "a permit to practice as a CPA firm issued under RSA 309-B:8 or corresponding provisions of prior law, or under corresponding provisions of the laws of other states."~~

~~Ac 101.12 "Public accountancy" means the provision of any service, the undertaking of any function, or the exercise of any privilege for which a certificate, registration, or permit is required pursuant to RSA 309-B.~~

~~Ac 101.13 "Public accountant" (PA) means a licensee whose registration has been issued pursuant to RSA 309-B:9.~~

~~Ac 101.14 "Public accounting experience" means the performance of one or more kinds of services regulated under RSA 309-B and these rules and performed under the supervision of a CPA, Chartered Accountant, Contadores Publicos Certificado, PA or in an entity that holds itself out to the public as a firm as defined in Ac 101.08.~~

~~Ac 101.15 "Public accounting firm" (PA firm) means a business entity in which each principal holds a registration issued under RSA 309-B:9, and is organized as:~~

~~(a) A sole proprietor;~~

~~(b) A corporation;~~

~~(c) A partnership, including a limited liability partnership;~~

(d) A limited liability company, including a professional limited liability company; or

(e) Any other kind of entity authorized or allowed by law.

Ac 101.16 "Semester hour" means the conventional college number of hours which a class meets during a single semester hour, expressed on a per-credit basis, as calculated by the institution offering the course.

## PART Ac 102 AGENCY ORGANIZATION

Ac 102.01 Members and Officers. ~~The board shall be composed of 3 certified public accountants who hold valid permits, one public accountant who holds a valid permit, and one public member who meets the requirements of RSA 309-B:3~~Pursuant to RSA 309-B:4, I(a) the board is composed of a total of 7 members who are residents of New Hampshire and have been appointed by the governor with the approval of the council. The membership includes 4 current CPAs, one current public accountant, and 2 public members, all of whom meet the requirements of RSA 309-B:4, I(a).

Ac 102.02 Meetings. The board ~~shall meet~~meets monthly, to effect the purposes of RSA 309-B, on the third Monday of each month at the address of the board. ~~If The chairperson reschedules meetings if~~ conflicts arise that prohibit the required meeting on the third Monday of the month, ~~the chair shall reschedule said meeting.~~

### Ac 102.03 Quorum.

(a) A quorum of the board for purposes of conducting business shall consist of 3a meeting consists of at least 4 members present at a meeting.

(b) A quorum for purposes of voting consists of at 4 members who have not recused themselves from voting on the subject of the vote.

Ac 102.04 Meeting Location. ~~Monthly meetings shall be held at the board's office, "57 Regional Drive, Concord, New Hampshire"~~Board meetings are held at the place specified in the notice for the particular meeting.

Ac 102.05 Presiding Officer. The board chairperson ~~shall preside~~presides at board meetings. In the absence of the chairperson, the board secretary ~~shall preside~~presides at meetings. In the absence of both the chairperson and the secretary, the members present select, by consensus, any other member to act as chairperson for that meeting.

Ac 102.06 Minutes. At its monthly meeting, the board ~~shall review~~reviews the draft minutes of its previous meeting and ~~shall make~~makes changes, as necessary, before adopting them. Minutes ~~shall be~~ adopted by the board ~~and are~~ signed by the board secretary.

Ac 102.07 Functions of the Board. ~~The board shall adopt rules for licensure, The duties of the board include:~~

(a) Adopting rules relative to:

- (1) The issuance and renewal of ~~certificates~~licenses and permits, ~~quality;~~
- (2) Peer reviews, ~~disciplinary actions, qualifications;~~
- (3) Disciplinary matters;
- (4) Qualifications of applicants, ~~establishment of fees, ethical;~~
- (5) Establishment of all required fees;
- (6) Ethical and professional standards, ~~conduct;~~
- (7) Conduct of hearings; ~~and any~~
- (8) Any other matters necessary for the proper administration of RSA 309-B: ~~In addition to rulemaking, the board's functions include licensure of and;~~

(b) Actual issuance of licenses and permits ~~and certificates~~ to qualified applicants; ~~the;~~

(c) The investigation and adjudication of complaints against licensees; ~~and all~~

(d) All other functions set forth in RSA 309-B.

## PART Ac 103 PUBLIC ACCESS TO INFORMATION

Ac 103.01 Public Access. ~~Any person may examine all records of the board, in~~ In accordance with RSA 91-A ~~and except as exempted by law, any person may examine all public, non-exempt records in the possession of the board,~~ at the offices of the board, between 8:00 a.m. and 4:00 p.m., Monday through Friday.

~~Ae 103.02 Practicing Accountant.~~ Ac 103.02 Licensee Access to Information. Any ~~practicing accountant~~licensee may examine all records of the board with respect to ~~that practicing accountant~~himself or herself, except as exempted by law, at the office of the board, between the hours of 8:00 a.m. and 4. p.m. Monday through Friday.

Ac 103.03 Copies.

(a) At the time and place identified in Ac 103.01, any person examining a document may request a copy of that document.

(b) The board staff ~~shall make~~makes copies of the document/s examined and requested under (a) ~~above as time available in accordance with RSA 91-A:4, IV and resources permit~~Ac 103.04.

(c) The fee for copies made by the board staff ~~shall be is~~ \$.20 per page, payable ~~in advance~~before such copies are provided to the requestor.

Ac 103.04 Unavailability of Public Records. If the board is unable to make a public record available for immediate inspection and photocopying, then it ~~shall will~~, within 5 business days of request:

(a) Make such record available;

(b) Deny the request in writing with reasons; or

(c) Furnish written acknowledgment of receipt of the request and a statement of the time reasonably necessary to determine whether the request ~~shall will~~ be granted or denied.

Ac 103.05 List of Licensed Professionals and Exam Candidates.

(a) ~~Instead of the examination and copying permitted by Ac 103.03 and Ac 103.04, any~~Any person may request orally, in writing, or electronically that the board to provide that person with a complete list of ~~certified public accountants, public accountants, accounting practitioners, accepted exam candidates and successful exam candidates~~CPAs, PAs, or firms.

(b) ~~The request under (a) shall be made in writing and shall be accompanied by the prescribed fee for the list requested, as established by Ac 301.02.~~(b) The board will grant the request under (a) if the requestor pays the actual cost of copying and mailing the document.

(c) The fee required by this section shall be paid only by ~~bank~~:

(1) Bank draft, ~~money~~;

(2) Money order, ~~certified check, business~~;

(3) Certified check;

(4) Business or personal check, ~~or cash~~;

(5) Electronic transfer; or

(6) Cash.

**APPENDIX: Cross-Reference Table for Statutes Implemented**

<u>Rule</u>	<u>Statute Implemented</u>
Ac 101	RSA 541-A:8
Ac 102.01	RSA 309-B:4, I(a), II(a)
Ac 102.02 – Ac 102.04	RSA 309-B:4, II(b)
Ac 102.05	RSA 309-B:4, II(a)
Ac 102.06	RSA 91-A:2, II
Ac 102.07	RSA 309-B:4, VIII(a) – (i)
Ac 103.01 - Ac 103.02	RSA 91-A:4, I
Ac 103.03 - Ac 103.04	RSA 91-A:4, IV
Ac 103.05	RSA 91-A:4, II(d)